

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**BRANCH BANKING AND TRUST )  
COMPANY, )**

**Plaintiff, )**

**v. )**

**CIVIL ACTION NO. 10-00518-KD-N**

**R&T RENTALS, LLC, et al., )**

**Defendants. )**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated April 4, 2011, is **ADOPTED** as the opinion of this Court and it is **ORDERED** that the motion to dismiss filed by C. Thurmon Bell (doc. 6) be **DENIED** as **MOOT** and that the motions to dismiss filed by R&T Rentals, L.L.C. and F. Rutherford Smith Jr. (docs. 14, 22) be **DENIED**.

DONE this 22nd day of April, 2011.

/s/ Kristi K. DuBose  
KRISTI K. DuBOSE  
UNITED STATES DISTRICT JUDGE